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C O N F I D E N T I A L SECTION 01 OF 02 ABUJA 001494

SIPDIS

STATE FOR AF/W, INR/AA
DOE FOR GEORGE PERSON

E.O. 12958: DECL: 06/20/2018
TAGS: PREL PBTS PHSA PGOV NI CM

SUBJECT: BAKASSI: NIGERIAN FEDERAL COURT ISSUES INJUNCTION
ON HANDOVER

Classified By: Political Counselor Walter Pflaumer for reasons 1.4. (b & d).

¶11. (C) SUMMARY: On July 31, a Federal Court in Abuja issued an injunction to postpone the August 14 scheduled handover to Cameroon of the disputed Bakassi Peninsula, pending resolution of a suit to stop the transfer or compensate residents. Senator Jubril Aminu (strictly protect), Chair of the Senate Foreign Affairs Committee, expressed doubt that the Abuja Federal Court had jurisdiction to issue such an order, and noted GON commitment to the International Court of Justice decision. Aminu noted Navy concerns over the delineation of the nautical boundary, and its potential implications for maritime navigation. MFA Central Africa Director Tony Eze (strictly protect) told A/DCM his instructions were to proceed with plans for the final handover. It remains our sense that this is primarily political posturing by those seeking increased compensation for Bakassi residents or political advantage. END SUMMARY.

¶12. On July 31, a Federal Court in Abuja issued an injunction to postpone the August 14 scheduled handover to Cameroon of the disputed Bakassi Peninsula. Justice Mohammed Umar ordered the Federal Government to postpone transfer of the peninsula until a case filed by a group of Bakassi residents to halt the transfer of sovereignty or compensate residents is decided by the court. The original suit has asked for 456 billion naira (US \$3.9 billion) in compensation for the residents of Bakassi. The judge adjourned the case until October 20.

¶13. (U) Senator Bassey Ewa-Henshaw (PDP-Cross Rivers South) whose district includes Bakassi was quoted in the July 31 Guardian newspaper as saying "It is clear that the People of Bakassi, and indeed Nigerians, were deeply wronged in the Greentree Agreement. This must be publicly acknowledged. My feeling is that we are the unfortunate victims of high-wire international politics and conspiracies which have to do with oil and gas resources in the area."

¶14. (C) PolOff spoke with Senator Jubril Aminu, Chair of the Senate Foreign Affairs Committee (and former Ambassador to the U.S.) on August 1, who expressed doubt that the court had jurisdiction to issue such an order. Aminu characterized Ewa-Henshaw as "an impossible character" who in his view was, along with his predecessor as Senator representing Bakassi, Florence Ita-Giwa, engaging in political posturing. (Note:

Ita-Giwa, a close associate of former President Obasanjo, was recently removed from her position as Special Adviser to the President for National Assembly Matters. End note.) Aminu commented that the only "restraining factor" on Ewa-Henshaw was newly indicted and now former Cross Rivers Governor Liyel Imoke, whom he hoped would eventually return. According to Aminu, Imoke and the Obong of Calabar, the supreme traditional ruler in the area, "have very realistic attitudes" about the transfer of Bakassi. Aminu also said that Presidency officials to whom he had spoken about the issue (he did not specify whom) realized that "we are not in the driving seat" on this issue, and were committed to respecting the International Court of Justice (ICJ) verdict.

¶15. (C) Aminu also said that his Senate Foreign Affairs Committee was preparing to issue its report on the Bakassi transfer, which he characterized as generally supporting the handover. Aminu did note, however, that the Navy has complained that nobody consulted it on the matter, and that there were maritime considerations to be addressed.

According to Aminu, the Navy complained that the survey team which delineated the sea boundary through part of the Cross River estuary (the "Ngu-Coker line") did not fully take into account hydrographic surveys pertaining to the depth of the waterway. The Navy alleges that the portion of the channel in Nigerian territorial waters is too shallow to allow commercial vessels to reach the Port of Calabar and Naval vessels to reach the nearby base, requiring them to pass through Cameroonian territorial waters. This, the Navy claims, would require all shipping activity to Calabar to be dependent upon clearance from the government of Cameroon.

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(FYI: Post's Defense Attach Office and the Maritime Assistance Officer (MAO) will follow up with contacts in the Nigerian Navy and Defense Intelligence Agency (DIA) personnel formerly in Calabar to find out if the Navy has, in fact, raised such concerns. End FYI.)

¶16. (C) In an August 1 conversation with A/DCM, MFA Central Africa Director Tony Eze said his instructions were to proceed with plans for the final handover of Bakassi to Cameroon on August 14. He had seen no/no indication of any intention by the GON to delay the handover.

¶17. (C) COMMENT: It remains our sense that this is primarily political posturing by those seeking increased compensation for Bakassi residents from the GON or political advantage for themselves. Post notes that estimates of the numbers of persons displaced by the transfer, or otherwise affected, have varied wildly. We also note allegations first made in December 2007 that a sum of US \$40 million previously earmarked for the resettlement of Bakassi residents went missing, and has never been accounted for. END COMMENT.
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